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-1- PLAINTIFFS' MEMORANDUM IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION TO DISMISS						

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I. INTRODUCTION

On August 22, 2025, Defendants filed a Motion to Dismiss cases of Plaintiffs who did not submit substantially complete Plaintiff Fact Sheets ("PFSs") in connection with Pretrial Order ("PTO") 10. (Doc. 3731). Counsel acknowledges and understands that under PTO 10, the court created procedures and deadlines to produce a PFS. Counsel has produced a PFS for each Jane Roe CL identified on the list provided by Defendants. The PFS is lengthy and requires Plaintiffs to work through the traumatizing event in detail. Despite the production, Counsel has also diligently attempted to comply with the production of additional information and documents required by the discovery obligation of each of the Plaintiffs addressed in this Motion.

During the course of litigation, a Plaintiff may become unavailable for a variety of reasons, and with additional effort may be located. It may also take additional time for Plaintiff to locate past videos, texts, photos, emails, etc., which are requested in the original PFS, and also addressed in the deficiency notice. Counsel has utilized extensive efforts to reach each of the clients and work with them to obtain these documents, predating the filing of Defendant's motion. (Domer Dec. at ¶ 4). Through these efforts, Counsel was able to produce the PFS items identified

in the Motion for Jane Roes CL 12, 30, 35, 55, 90, 94,129, and 145 of the missing claimants and is continuing extensive efforts to reach the remaining missing claimants.

II. ARGUMENT

Counsel produced PFS releases and documents for Jane Roes CL 12, 30, 35, 55, 94, 129, and 145, and should therefore be removed from consideration of Defendants' Motion, rendering their inclusion moot as to PTO 10 as the documents or releases identified in their Motion have been produced.

Additionally, while Jane Roe CL 90 has cured identified PFS deficiencies, she was included on Defendants' Motion for not providing a HIPAA release. Upon meeting and conferring with Defendants on her case, they agreed to withdraw her from inclusion of this Motion as not needing a release. Therefore, she should likewise be excluded from the Court's consideration of this Motion.

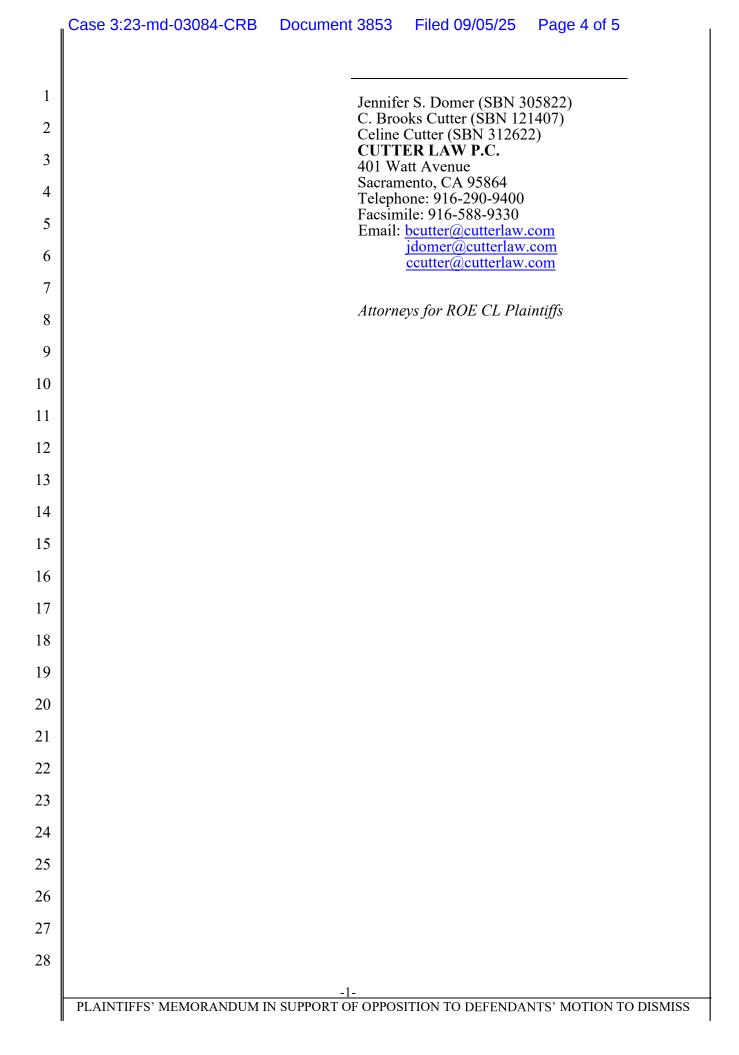
For the remaining clients identified in the Defendants' Motion, Counsel is diligently working with clients to help them obtain the missing documents or releases identified. Counsel respectfully requests additional time to work with clients to produce the missing items.

III. CONCLUSION

For the foregoing reasons, Plaintiffs Jane Roes CL 12, 30, 35, 55, 94, 129, and 145 respectfully request that their claims be removed from Defendants' Motion to Dismiss as having fulfilled their obligation under PTO 10 to submit documents or releases required under PTO 10. Counsel also requests that Jane Roe CL 90 be excluded as agreed upon by Defendants. Lastly, Counsel respectfully requests additional time to produce the remaining items identified in the Motion.

Dated: September 5, 2025 CUTTER LAW P.C.

By: /s/ Jennifer S. Domer



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